

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Section 7.50(b)(5)(E) and 7.50(b)(156)(F), (G) and (H)  
Title 14, California Code of Regulations

Re: Amended Sport Fishing Regulations for a Portion of the Mainstem Sacramento River and the Mouth of the American River to Protect Winter-run Chinook Salmon

I. Date of Initial Statement of Reasons: March 5, 2003

II. Date of Pre-adoption Statement of Reasons: June 4, 2003

III. Date of Final Statement of Reasons: June 30, 2003

IV. Dates and Locations of Scheduled Hearings:

(a)	Notice Hearing:	Date:	April 4, 2003
		Location:	Visalia

(b)	Discussion Hearing:	Date:	May 8, 2003
		Location:	Riverside

(c)	Adoption Hearing:	Date:	June 20, 2003
		Location:	Mammoth Lakes

V. Update:

No modifications were made to the originally proposed regulatory language of the Initial Statement of Reasons.

VI. Summary of Primary Considerations Raised in Opposition and in Support:

No oral or written comments were received from the public in opposition to or in support of the proposed regulatory action.

VII. Location and Index of Rulemaking File:

A rulemaking file with attached file index is maintained at:  
California Fish and Game Commission  
1416 Ninth Street  
Sacramento, California 95814

VIII. Location of Department files:

Department of Fish and Game  
1416 Ninth Street  
Sacramento, California 95814

IX. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change: None was identified.
- (b) No Change Alternative: Maintaining current regulations would not provide adequate protection of endangered winter-run Chinook salmon in the Sacramento River.
- (c) Consideration of Alternatives: In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

X. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in Other States: The proposed action will not have a significant statewide adverse economic impact affecting businesses, including the ability of California businesses to compete with businesses in other states. Several local fishing guide services for resident trout, steelhead trout, and Chinook salmon operate in the Bay-Delta and the Sacramento River. These businesses may be impacted by the increased no-retention period for Chinook salmon proposed in this action. However, analysis in Section III indicates that angling effort was relatively low in the January 1-14 period. Fishing regulations on the Sacramento River upstream from Red Bluff Diversion Dam would not be affected by the proposed action; regulations for resident and steelhead trout would also not be affected.
- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on Private Persons or Business: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in a reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Other Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

## **Updated Informative Digest/Policy Statement Overview**

Sacramento River winter-run Chinook salmon were listed as endangered by the Fish and Game Commission (Commission) on September 22, 1989. The National Marine Fisheries Service listed the run as endangered under the Federal Endangered Species Act in February 1994. Although there has been some recovery in recent years, the winter-run Chinook population remains well below levels defined for recovery of the run.

Angling regulations adopted by the Commission in 1990 for the mainstem Sacramento River were designed to prevent harvest of upstream migrating winter-run Chinook salmon and other depleted stocks. Based on the best available data at the time these regulations were implemented, the no-retention periods for Chinook salmon in the Sacramento River were expected to cover the entire period when adult winter-run would occur in these areas.

However, recent data from the Department's Central Valley Salmon and Steelhead Harvest Monitoring Project indicate that a relatively high inland sport harvest of winter-run Chinook salmon may have occurred in late December 2000 and early January 2001, immediately prior to the no-retention period. Based on these data, an emergency regulation change was approved by the Commission on October 24, 2002, and went into effect January 1, 2003. The emergency action prohibited the retention of Chinook salmon in the Sacramento River from Bend Bridge to the Carquinez Bridge from January 1 (formerly January 15) through July 15, and in the American River from the Jibboom Street Bridge to the mouth from January 1 (formerly January 15) through July 15.

The proposed action would make permanent the emergency action approved on October 24, 2002, and would clarify the regulations by designating Red Bluff Diversion Dam (instead of Bend Bridge) as a consistent boundary between reaches identified in Sections 7.50(b)(156)(F)(G) and (H). The proposal also includes establishing a point 150 feet below the Lower Red Bluff (Sycamore) boat ramp as a reference point for defining the area closed to fishing below RBDD rather than the current point that is just a 1,375-foot measurement .

This regulation proposal also consists of an adjustment of the fishery management reaches in the main stem Sacramento River near Red Bluff that simplifies the regulations and provides more fishing opportunity for late fall-run Chinook while maintaining protection for winter-run Chinook. Current regulations define a reach from Deschutes Road Bridge (near Redding) to Bend Bridge (approximately 5 miles upstream from the town of Red Bluff), and an adjacent reach from Bend Bridge downstream to the Carquinez Bridge. The river reach downstream of Bend Bridge to the Red Bluff Diversion Dam (RBDD) consists of a salmon fishery that is more characteristic of the reach above Bend Bridge than the reach below RBDD. In addition, CWT winter-run Chinook have not been recovered in sampling efforts between RBDD and Bend Bridge. The Department recommends using RBDD as a demarcation between the upper and lower reaches described above, instead of Bend Bridge. This would allow the five miles between Red Bluff and Bend Bridge to remain open for

salmon retention until January 15, while the area below RBDD would close two weeks earlier on January 1 for the protection of winter-run Chinook.

The Commission adopted the proposed regulations as proposed without changes.

Subsection (b)(5)(E) of Section 7.50, Title 14, CCR, is amended to read:

Area or Body of Water	Open Season	Bag Limit
(E) American River (Sacramento Co.) from the Jibboom Street Bridge to the mouth.	July 16 through <del>Jan. 14.</del> <u>Dec. 31.</u>	1 hatchery trout or 1 hatchery steelhead**
	<del>Jan. 15</del> <u>Jan. 1</u> through July 15.	2 king salmon 1 hatchery trout or 1 hatchery steelhead**
		0 salmon

\*\* Hatchery trout or steelhead are those showing a healed adipose fin clip (adipose fin is absent). Unless otherwise provided, all other trout and steelhead must be immediately released. Wild trout or steelhead are those not showing a healed adipose fin clip.

Subsections (b)(156)(F), (b)(156)(G) and (b)(156)(H) of Section 7.50, Title 14, CCR, are amended to read:

Area or Body of Water	Open Season	Bag Limit
(F) Sacramento River from the Deschutes Road Bridge to Bend Bridge ( <del>approximately 5 miles</del> <del>upstream from the town of</del> <del>Red Bluff</del> ) <u>500 feet</u> <u>upstream from Red Bluff</u> <u>Diversion Dam.</u>	Jan. 15 through Mar. 31	1 hatchery trout or 1 hatchery steelhead** 0 salmon
	Apr. 1 through Jul. 31.	1 hatchery trout or 1 hatchery steelhead** and 1 wild trout** 0 salmon
	Aug 1 through Aug. 30.	1 hatchery trout or 1 hatchery steelhead** and 1 wild trout** 2 salmon
	Aug. 31 through Jan. 14	1 hatchery trout or 1 hatchery steelhead** 2 salmon
(G) Sacramento River from 500 feet upstream from Red Bluff Diversion Dam to <del>1,375 feet below</del> <u>the Dam 150 feet below</u> <u>the Lower Red Bluff</u> <u>(Sycamore) Boat Ramp.</u>	Closed to all fishing all year.	

(H) Sacramento River from <u>150 feet below the Lower Red Bluff (Sycamore) Boat Ramp Bend Bridge</u> ( <del>approximately 5 miles upstream from the town of Red Bluff</del> ) to the Carquinez Bridge (includes Suisun Bay, Grizzly Bay and all tributary sloughs).	July 16 through <del>Jan. 14.</del> <u>Dec. 31.</u>	1 hatchery trout or 1 hatchery steelhead** 2 salmon
	<del>Jan. 15</del> <u>Jan. 1</u> through July 15.	1 hatchery trout or 1 hatchery steelhead** 0 salmon

\*\* Hatchery trout or steelhead are those showing a healed adipose fin clip (adipose fin is absent). Unless otherwise provided, all other trout and steelhead must be immediately released. Wild trout or steelhead are those not showing a healed adipose fin clip.

#### NOTE

Authority cited: Sections 200, 202, 205, 215, 220, 240, 315, and 316.5, Fish and Game Code. Reference: Sections 200, 205, 206, 215, and 316.5, Fish and Game Code.